

TOWN HILL MINI-PLAN

REVISION OF EXISTING LANGUAGE

CHANGES ARE SHOWN IN **UNDERLINED BOLD TEXT**,

~~STRIKETHROUGH TEXT~~ IS PROPOSED FOR REMOVAL

DECEMBER 2009

\Begin on page 23 of plan/

From the 2007 Comprehensive Plan:

Strategy 1H1 – Amend the LUO to replace lengthy linear commercial and residential corridor districts with shorter and wider nodes along Route 102

Policy 2G – To direct anticipated growth in population, commerce, and industry to suitable areas of Bar Harbor in ways that are compatible with its traditional character...It is essential that the Town understand the standards of design that will allow for greater density of development and produce desirable villages...They must demonstrate that a compact form of development will not threaten the value and character of established neighborhoods or natural systems...The approach to creation of TOWN HILL VILLAGE will be further refined in a future planning process.

Strategy 2G11 – In designated Town Hill village areas, the Town's land use policy permits smaller lot sizes and uses, similar to what currently exist in the areas. New nonresidential uses, including community facilities, small scale, retail, office, service, and other nonresidential uses appropriate to a village, shall be allowed. The array of allowed commercial and business uses shall be greater than that allowed in new village areas, although the scale and intensity of development shall reflect standards to assure that the uses are good neighbors to nearby residential neighborhoods and properties...

From the Town Hill mini-plan

Zoning

Purpose and Limits of New Zones.

The current Town Hill Business and Residential Corridor zones, which are laid out parallel to Route 102 with little depth back from the road, are a prescription for strip development. The Comprehensive Plan calls for replacing the current zones with shorter and wider nodes of development.³ Furthermore, the current Town Hill Residential and Rural zones encourage dispersed and sprawling development, which undermines the neighborhood's rural character.

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The Town Hill Mini-plan implements a portion of the Comprehensive Plan's Future Land Use Plan and related policies and strategies to guide amended preservation and development standards in the LUO. These standards are intended to help create a year-round village that primarily serves Town Hill residents, with sensitivity to the need for greater density and standards that produce a high quality of place.

~~The Mini-plan also defines the limits of the village with a greenbelt that marks the boundary between it and the surrounding Town Hill Neighborhood zone.~~⁵

Uses.

Consistent with the Comprehensive Plan, the Town Hill Village zone is intended to permit a mix of uses nearly always found in a healthy village – a variety of housing types on relatively small lots – single family, duplex, cottage, small affordable multifamily, and mixed residential and business uses in a single structure. Public and community facilities, small scale retail and service establishments, offices, and other nonresidential uses are also intended to be permitted. Banks will continue to be the only uses that are allowed drive through facilities. ~~Franchised chains and fast food businesses will not be allowed.~~ The LUO amendments will assure that nonresidential uses and seasonal interests do not undermine the creation of a year-round, family-friendly community.

Small, clean industries, like the current Atlantic Brewery, will be allowed if they offer employment to village residents and meet good neighbor, design, and environmental performance standards. Lodging accommodations will be small. Weekly rentals will conform with town policy, limited to bed and breakfast establishments and those who claim a homestead exemption. The opportunity for large scale weekly rentals will be negated by size restrictions in the Town Hill Village zone.

Space and Bulk Standards.

The Town Hill Village zone will assure that new development is similar in scale to existing development, ~~generally limiting the size of a single building to no more than 5,000 SF.~~ The Town Hill Village zone will allow a limited number of individual buildings up to ~~10,000~~ **15,000** SF. **Additionally** if the proposed use ~~offers employment to village residents and~~ meets good neighbor, design, and environmental performance standards, **then the Planning Board, under a newly created authority of a Commercial Planned Unit Development, may allow buildings in excess of this square footage.** The Town may also want to adopt a floor area ratio to assure that new buildings are in relative scale with existing structures.

As time allows, the Town should “measure” areas within the Town Hill Village zone, and elsewhere in the area, that reflect the desired scale for Town Hill, to “fine tune” the following standards, as appropriate.

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The Mini-plan includes approximately 115-134 new residential units and 20 to 25 new businesses over the next 4-5 decades. Based on these figures and the approximate area of the Village, 84 acres, the allowed density in the Town Hill Village zone will be between 1.6 and 1.8 dwelling units per acre.

Minimum lot size will be ~~10,000 SF with sewer or community septic and 20,000 SF without sewer or community septic (or a minimum lot size that meets the current standards of the State Plumbing Code).~~

~~The Town Hill Village zone will specify a maximum residential lot size of 20,000 SF for single family, duplex, and cottage uses.~~

Multiple structures will be allowed on larger lots in the spirit of the existing West Eden Commons.

The number, total combined square footage, and configuration of all structures will be limited by the Design Review Board to create a similar scale and arrangement of structures.

From the 2007 Comprehensive Plan:

Strategy 2G9 – In designated new village areas...the Town's land use policy permits smaller lot sizes...Development standards shall assure that any property that is converted or developed in these areas, especially in historic districts, maintains the existing placement and design of buildings, restricts the use of front yards for parking and storage, provides sufficient off-street parking, controls access to serve the new uses, is well landscaped and protects adjacent areas from adverse impacts of the change. New buildings must be compatible with the historic character in terms of scale, placement, and use of materials. Development proposals shall undergo design review to assure compliance with these standards and a safe, comfortable and attractive, pedestrian environment...

Strategy 3A6 – Encourage a geographically closer linkage between employment and housing opportunities by allowing mixed uses and higher densities of new, affordable residential development near employment opportunities in areas of Town where both housing and job creation might work hand-in-hand...

Strategy 2B6 – Protect existing neighborhoods from infill developments that is out of scale with the area by requiring a standard to control the bulk of buildings, known as a floor area ratio performance standard

From the Town Hill mini-plan

Approximately 27 new residential units by 2015; 55 new residential units by 2025; 83 new residential units by 2035; and 123 new residential units by 2050.

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Strategy 2G11 – In designated Town Hill village areas...Density of residential and nonresidential land uses shall reflect a higher density than what occurs in other parts of Town Hill. To this end, density of Town Hill village shall be ~~at least two dwelling units per acre where public sewer is not available and~~ where soils and nutrient loading allows ~~and at least four dwelling units per acre if sewer becomes available.~~

The square footage of the existing 7 structures is nearly 9,000 SF. With the addition of another 2,800 SF building, the total square footage of the commons will be just under 12,000 SF.

From the 2007 Comprehensive Plan:

Strategy 2B1 – Amend the LUO to...establish additional “good neighbor” standards to screen and buffer views of parking lots, waste storage areas, and other uses of outdoor areas, reduce noise and glare, and otherwise minimize conflicts with residential uses when the commercial use abuts a residential district; strengthen regulations to maintain screening and buffers.

Strategy 2G11 – In designated Town Hill village areas...Development standards shall assure that any property that is expanded, converted, or developed in these areas, especially in historic districts, maintains the existing placement and design of buildings, restricts the use of front yards for parking and storage, provides sufficient off-street parking including satellite parking lots, controls access to serve the new uses, is well landscaped and protects adjacent areas from adverse impacts of the change. New buildings must be compatible with the historic character in terms of scale, placement, and use of materials. Development proposals shall undergo design review to assure compliance with these standards and a safe, comfortable and attractive pedestrian environment...

Minimum frontage will depend on the minimum lot sizes noted above. ~~The 10,000 SF standard will include an average frontage of 50 feet.~~ The 20,000 SF standard will include an average frontage of 75 feet. A maximum frontage of an average of 75 feet per structure will also be established **should the Town pursue community septic systems.**

Many buildings in Town Hill Village have historically been located close to the road. Setbacks will vary based on proposed building size. If a building is ~~5~~**10**,000 SF or less, the front yard setback will be a “build-to” line, established at 25 feet. Side yard setbacks are intended to be 10 feet, although the Design Review Board may allow zero lot line setbacks for commercial structures that maintain an appropriate scale and respect other design considerations reflected in the Mini-plan. If a building is greater than **15**,000 SF, all setbacks will be determined by the Planning Board, coordinating with the Design Review Board, to provide appropriate screening of the larger structures from the street, other public areas, and surrounding properties, as well as to protect wetlands and vernal pools.

Building height will be capped at two to three stories, with provisions to allow up to four stories if approved by the Design Review Board, based on building design and protection of scenic views. If rooftop gardens or green roofs are proposed, the LUO will allow greater height, density, and/or building coverage.

In general, impervious lot coverage will be limited to 60% of the lot, but may be expanded to 75% if green roofs, rain gardens, and/or other low impact design techniques are proposed.

Good Neighbor, Design, and Environmental Performance Standards.

The amended LUO will include new and/or revised good neighbor, design, and environmental performance standards to ensure that scale, lighting, glare, noise, traffic, hours of operation, buffer, and other standards are not overly restrictive, but provide adequate oversight to mitigate negative impacts on neighbors. Parking lots, waste storage areas, and other uses of outdoor areas are intended to be located, buffered, and screened from view. Noise and glare must be controlled to minimize conflicts with residential and other neighboring uses. Furthermore, the Town's environmental standards and new Dark Skies Ordinance must be respected.

Alternative Zoning Techniques.

As a longer term strategy, the consultants recommend that the Town adopt a form-based code for the Town Hill Village zone. A form-based code, sometimes referred to as form-based zoning or the New Urbanist's Smart Code, is a method of regulating development to achieve a specific type of "place". Form-based zoning puts a primary emphasis on physical form, the basic principle being that design is more important than use. Simple and clear graphic prescriptions for heights, placement, and other elements are used to control development. Land use is not ignored, but regulated using broad parameters that better respond to market conditions, while prohibiting undesirable uses.

The key components of form-based zoning are a regulating plan, building envelope standards, street and sidewalk sections, architectural and site development standards, and definitions. The Mini-plan is the first step in creating a regulating plan, though it may not include enough information on permitted development for each specific lot. The Mini-plan guides the general development of public spaces – streets, parks, and community gardens. Building envelope standards would regulate future buildings with criteria for height, siting, and form. Because form-based zoning is crafted to result in the development, or maintenance, of a physical place, it is necessary to have a clear vision of that desired place to produce the code for each specific area. Form-based zoning can achieve a more predictable physical result, shaping a high quality built environment, if the community articulates a clear vision of the type of development it wants.

~~The greenbelt will preserve open space and farm fields and allow limited development.~~

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~~Creation of the Greenbelt. The greenbelt defining the limit of the Town Hill Village zone, and serving as a buffer between it and the surrounding Town Hill Neighborhood zone, is intended to be created using one or more mechanisms. The consultants recommend designating a Greenbelt zone. Limited residential, agricultural, and open space uses are intended to be allowed in the Greenbelt zone, which would become one of the “rural” designations in the Town’s Comprehensive Plan.~~

~~The proposed technique to retain open and undeveloped land in the Greenbelt zone relies on a density transfer mechanism that allows for greater density in the Town Hill Village zone (as well as the Town Hill Neighborhood zone, though at a lower density than allowed in the Town Hill Village zone).~~

Both the Town Hill Village and Neighborhood zones will maintain residential density at current levels; however, a density transfer mechanism, or “offset fee,” will allow a developer to increase proposed density up to the limit defined in the Mini-plan, in exchange for a specified fee per unit. The amount of the fee per unit will be established, and updated periodically, based on guidance from an appraiser familiar with local real estate values to assure an appropriate assessment. The fee could be specified in the LUO or be established annually by the Town Council. Fees collected would be used to acquire targeted properties, conservation easements, and/or development rights. ~~within the Greenbelt zone.~~

From the 2007 Comprehensive Plan:

Policy 2F – To seek out information about flexible zoning techniques...On occasion, projects or development possibilities are proposed that do not fit the zoning requirements for the area. Because of the inflexibility in zoning, the project is discouraged or prohibited. Flexible zoning techniques could remedy this.

Strategy 2G22 – Explore the use of a transfer of development, density transfer fees, and other creative techniques to lessen the impact of growth while providing a financial return to property owners in critical rural, rural, and rural residential areas.

Gorham adopted a density transfer provision in mid-2006. The first subdivision to use the provision will undergo final review in May 2009. It will generate 4-5 additional units at a fee of \$15,000 per unit. The Gorham ordinance is in Appendix E.

The fee would be based on an assessment, updated frequently, to capture changes in property values. If the fee is too high, developers will not avail themselves of the incentive. If it is too low, the Town may not generate adequate funds to acquire land, easements, and/or development rights ~~in the Greenbelt zone.~~

Another technique is to remove the requirement that a Residential PUD in the rural zone be land that is continuous. By removing this restriction, a developer can “transfer” rights to another parcel and then conserve a greater amount of open space.

From the 2007 Comprehensive Plan:

Strategy 1C2 – Prepare and adopt an open space plan that...identifies and establishes linkages among land currently in conservation easement and other key open spaces...

Strategy 1C1 – Continue to encourage voluntary protection of Bar Harbor’s natural and cultural resources...

Strategy 1C4 – Set aside funds, as available, in a “Favorite Places Fund”...to leverage other public and private funds...and/or may be used to directly acquire the fee or development rights of properties that include the Town’s most important natural, scenic, and cultural resources....

Strategy 1C3 – Investigate the establishment of an open space lease program to preserve...resources that are not protected through voluntary or regulatory efforts.

Strategy 1C5 – Prepare, adopt, and utilize impact fees...to supplement the “Favorite Places Fund”.

Policy 2E – To continue allowing planned unit development (PUD), and in some cases requiring it, to...define boundaries of designated villages by providing visual breaks with natural and/or landscaped buffers...New subdivision applications in designated villages should be encouraged and applications in designated rural and rural residential areas should be required to prepare a sketch plan showing a planned unit development and clustered design...

Strategy 2E1 – Adjust the LUO...to improve its [PUD] functioning to accomplish the policies...of defining the boundaries of villages.

Strategy 2G9 – ...Development proposals shall undergo design review to assure compliance with these standards and a safe, comfortable and attractive, pedestrian environment.

Strategy 1H2 – Develop a design plan and adopt revised standards...for scale, bulk, lot coverage, buffers, setbacks, parking, signage, lighting, and protection of viewsheds to guide the expanded design review process.

Strategy 1H3 – Extend design review to include the designated TOWN HILL VILLAGE...

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In keeping with the Comprehensive Plan, the Conservation Commission would prepare an open space plan to guide acquisitions and targeted solicitations in the tradition of voluntary donations of open space within the Greenbelt zone. Furthermore, Greenbelt zone properties identified in the open space plan are intended to be added to the places eligible for acquisition under the “Favorite Places Fund”, and will be appropriate under the “open space lease” and/or open space impact fee programs.

~~If development is proposed in the Greenbelt zone, it will be required to follow cluster/PUD provisions, orienting the majority of preserved open space toward the edge of the Town Hill Village zone.~~

Design Review for Commercial and Multifamily Development

The LUO will be amended to require design review for new construction, major additions, and/or renovation of properties in the Town Hill Village ~~and Greenbelt zones.~~

Design review standards will reflect the Mini-plan’s treatment of scale, bulk, lot coverage, buffers, tree preservation, setbacks, parking, utilities, service areas, signage, lighting, and protection of viewsheds as well as compatibility of building design with existing historic and traditional structures. Standards for multifamily and larger nonresidential structures will reflect local farmhouse or other architectural styles that maintain the traditional and historic integrity of the village.

TOWN HILL VILLAGE

Public Investments

The Comprehensive Plan continues strong Town support for protecting sensitive natural resources, particularly groundwater. Part of the way the plan envisions doing this is by redirecting sprawling, low density development to compact, higher density villages. However, the density necessary to support a village and protect groundwater requires close attention to how water will be supplied and sanitary waste will be disposed.

Since there is no sewer service at or reasonably close to Town Hill, options for handling sanitary waste are a prime concern for development of the village. There are three basic approaches to waste disposal: a) individual on-site septic systems, b) a public sewer system, and c) community septic systems that collect wastewater from a number of individual properties and dispose of it in nearby collective leach fields. The life of a septic system depends upon soil conditions and how well it is maintained. A properly designed and installed system is expected to last 30 to 40 years; however, on-site soil and hydraulic conditions may significantly reduce the useful life of any particular system. Homeowners are encouraged to inspect and pump out their septic tanks once every two years to maximize the life of their system. When homeowners do not follow these maintenance guidelines, groundwater quality may be compromised. At village densities, a public sewer and/or community septic system is more desirable.

The Comprehensive Plan directs the Town to plan for safe sewage disposal and other public investments to support development in villages. It also directs the Town to expand sewer and public water systems in proposed villages, when appropriate. With a waste disposal plan in place, the Town could establish impact fees and/or other mechanisms to help pay for creation of the systems and/or require private extension of lines once a system is in place.

From the 2007 Comprehensive Plan:

Strategy 1A3 – Manage future development to meet established performance standards that require sewer systems, community septic systems, and sufficient separated well and septic systems to utilize other innovative waste disposal techniques or technologies...utilize shared septic systems and wells...

Possibly in ~~the greenbelt and/or other~~ open spaces within or near the Village.

Policy 2H – To plan for safe sewage disposal and other public investments in designated VILLAGES Town Hill has neither town water nor sewer and poor soils in many areas...It is recommended that the Town Council and residents investigate at what point the area will need a water, sewer system, and/or decentralized waste water disposal systems, police station, increased fire protection, a traffic plan, and recreational or common areas.

Strategy 5C3 – Continue to research alternative sewage treatment techniques and amend the LUO as appropriate.

Strategy 5C2 – Expand the sewer system within designated VILLAGES...as needed to support planned, compact development patterns that protect groundwater resources.

Strategy 5G2 – Expand the water system within designated VILLAGES...as needed to support planned, compact development patterns that protect groundwater resources.

Strategy 5I1 – ...consider impact fees and other techniques to limit the use of Town bonds for major or unanticipated projects but also to maintain the Town's high bond rating.

In response to these priorities, realities, and policies, the Town has pursued two initiatives to prepare a more detailed infrastructure and budgeting plan for Town Hill Village. The first is to revise the model that has been used to predict the impact of development on water resources in the Northeast Creek watershed. This model was originally developed by the US Geological Survey, Acadia National Park, and the Town in 2002, but requires refinement to more accurately reflect impacts on groundwater and surface waters in the

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watershed. The Town financially supported the update last year, but additional funding is required to complete it.

The second initiative is a sewer feasibility study for Town Hill to determine whether a sewer system, community septic systems, or another approach is the best alternative to individual septic systems to address waste disposal needs. This study would also identify the appropriate size of a potential system(s), standards for its development, and potential locations for such facilities.

Funding for both these initiatives was cut from the Planning Department's FY 10 budget request. Recognizing the current fiscal situation, it is imperative the Town find a way to support these initiatives in order to create a detailed infrastructure plan that will support orderly growth of the Village. Without a clear plan to address waste disposal for a compact village, the likely outcome will be continued sprawling, low density development that could cumulatively degrade water resources and be far more expensive to retrofit once it is in place.

In the meantime, the LUO is intended to be amended to require compliance with the Mini-plan, respecting site conditions while holding true to the concepts. Further amendment of the LUO will be necessary once the studies and a more detailed infrastructure plan are completed.